

FILED

COPY

2009 OCT 14 PM 2:46

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY _____

1 J. Andrew Coombs (SBN 123881)
andy@coombspc.com
2 Nicole Drey (SBN 250235)
nicole@coombspc.com
3 J. Andrew Coombs, A Prof. Corp.
517 East Wilson Ave., Suite 202
4 Glendale, California 91206
Telephone: (818) 500-3200
5 Facsimile: (818) 500-3201

6 Attorneys for Plaintiffs Sanrio, Inc.,
and Warner Bros. Entertainment Inc.
7

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 Sanrio, Inc. and Warner Bros.
11 Entertainment Inc.,

12 Plaintiffs,

13 v.

14 Photallica Inc. d/b/a Photallica a/k/a
15 Photoallica a/k/a Photallica 2 a/k/a
Photallica II a/k/a Dhocallica;
16 Mohammed Sulfi a/k/a Mohammed Zulf
a/k/a Mohammad Zulf a/k/a Faisal
17 Mohammed Zulf a/k/a Faisal Zulf;
Mohammed Yusoof a/k/a Mohammed
18 Yosoof a/k/a Mohammad Yusoof a/k/a
Muhammed Yusoof a/k/a Salim Yosoof
19 a/k/a Salim Yusoof a/k/a Yousuf Salim,
and Does 1 – 10, inclusive,
20

21 Defendants.

CV 09 07448 DDP (AGR)

COMPLAINT FOR COPYRIGHT
INFRINGEMENT; TRADEMARK
INFRINGEMENT; UNFAIR
COMPETITION; TRADEMARK
DILUTION; DECLARATORY
RELIEF

DEMAND FOR A JURY TRIAL

22 Plaintiffs Sanrio, Inc. ("Sanrio") and Warner Bros. Entertainment Inc.
23 ("Warner Bros.") (collectively "Plaintiffs") for their Complaint allege as follows:

24 **Allegations Common to All Claims for Relief**

25 **A. Jurisdiction and Venue**

26 1. The claims for trademark infringement, unfair competition and
27 trademark dilution under the Lanham Trademark Act, as amended, 15 U.S.C., § 1051
28

COPY

1 *et seq.*, allege the unauthorized use in interstate commerce of famous and distinctive
2 marks, false designations of origin and trademark dilution. The Court has
3 jurisdiction over the subject matter of these claims pursuant to 15 U.S.C. § 1121 and
4 28 U.S.C. § 1331 and § 1338. The cause of action for copyright infringement arises
5 pursuant to 17 U.S.C. § 101, *et seq.* The Court has jurisdiction over the subject
6 matter pursuant to 28 U.S.C. § 1331 and § 1338(a). The remaining causes of action
7 for unfair competition and trademark dilution under California state law. The Court
8 has jurisdiction over these substantial and related claims pursuant to 28 U.S.C. §
9 1338 (b) and § 1367.

10 2. Venue in the Central District of California is proper pursuant to 28
11 U.S.C. § 1391(b), § 1392 and § 1400(a).

12 **B. Introduction**

13 3. This case concerns the concerted, systematic and wholesale theft of
14 various world-famous intellectual properties owned by Plaintiffs. Defendants are
15 engaged in the manufacture, importation, distribution, promotion, sale and offer for
16 sale of necklaces, dog tags, key chains and other personal accessories, which
17 incorporate unauthorized likenesses of animated or live action characters owned by
18 Plaintiffs, including, but not necessarily limited to, Hello Kitty and Tweety Bird
19 (collectively "Infringing Product").

20 **C. Plaintiff Sanrio**

21 4. Sanrio is a corporation, duly organized and existing under the laws of
22 California, having its principal place of business in South San Francisco. Plaintiff
23 Sanrio is and, at all relevant times, has been, the exclusive U.S. licensee of Sanrio
24 Company, Ltd., a Japan corporation ("Sanrio Co."). Plaintiff Sanrio is a wholly-
25 owned subsidiary of Sanrio Co.

26 5. For more than forty years, Sanrio Co. has been engaged in the business
27 of manufacturing, distributing and selling a wide range of products including,
28 without limitation, character artwork created, developed and designed by Sanrio Co.

1 for use by children and young adults. Certain of the characters and designs have
2 achieved such global fame and popularity that Sanrio Co. has produced and
3 distributed television programming for children based on the character artwork. One
4 such television program is the animated television series entitled *Hello Kitty*.

5 6. A significant source of revenue for Sanrio Co. is the merchandising and
6 licensing of distinctive elements bearing character artwork, including Hello Kitty,
7 Bad Badtz Maru, Chococat, KeroKeroKeroppi, Landy, Little Twin Stars, Monkichi,
8 My Melody, Patty and Jimmy, Pekkle, Picke Bicke, Pochacco, Tuxedo Sam,
9 Winkipinki and Zashikbuta (hereinafter individually and collectively referred to as
10 the "Sanrio Co. Characters").

11 7. The revenue from products using the Sanrio Co. Characters sold in the
12 United States is substantial. The appearance and other features of the Sanrio Co.
13 Characters are inherently distinctive and serve to identify Sanrio as the source of
14 products bearing the Sanrio Co. Characters. The design, configuration and
15 distinctive features of the Sanrio Co. Characters and other Sanrio Co. copyrighted
16 works, and of works related thereto (hereinafter individually and collectively referred
17 to as "Sanrio Co.'s Copyrighted Designs") are wholly original with Sanrio Co. and,
18 as fixed in various tangible media, including, without limitation, merchandise, are
19 copyrightable subject matter under the United States Copyright Act, 17 U.S.C., §§
20 101 *et seq.* Sanrio Co. is the owner of Sanrio Co.'s Copyrighted Designs and, as
21 featured on and in connection with various merchandise, these designs constitute
22 copyrightable subject matter under the Copyright Act of 1976, 17 U.S.C. §§ 101, *et*
23 *seq.*

24 8. Sanrio Co. has complied in all respects with the laws governing
25 copyright and has secured the exclusive rights and privileges in and to the copyrights
26 to Sanrio Co.'s Copyrighted Designs, and Sanrio Co. owns one or more certificates
27 of registration for works in which each of Sanrio Co.'s Copyrighted Designs appear.
28

1 A representative list of copyright registrations for Sanrio Co.'s Copyrighted Designs
2 is attached hereto as Exhibit A.

3 9. Products featuring Sanrio Co.'s Copyrighted Designs manufactured,
4 sold and distributed by Sanrio Co. or under its authority have been manufactured,
5 sold and distributed in conformity with the provisions of the copyright laws. Sanrio
6 Co. and those acting under its authority have complied with their obligations under
7 the copyright laws and Sanrio Co. has at all times been and still is the sole proprietor
8 or otherwise authorized to enforce all right, title and interest in and to the copyrights
9 in each of Sanrio Co.'s Copyrighted Designs.

10 10. Sanrio Co. owns all right, title and interest in and to and holds exclusive
11 right to develop, manufacture, market and sell products bearing the trademarks, trade
12 names, service marks, artwork, characters and other distinctive elements for and
13 incorporating the Sanrio Co. Characters in the United States.

14 11. Sanrio Co. is the owner of world famous registered marks which serve
15 to distinguish Sanrio Co. products. Some of those trademarks have been used
16 continuously for over twenty-five years. Each year, Sanrio Co. spends millions of
17 dollars to develop and maintain the considerable good will it enjoys in its trademarks
18 and in its reputation for high quality. A representative list of trademark registrations
19 for the Sanrio Co. Characters is attached hereto as Exhibit B (collectively "Sanrio
20 Co.'s Trademarks").

21 12. Sanrio Co.'s Trademarks are all valid, extant and in full force and
22 effect. Sanrio Co.'s Trademarks are all exclusively owned by Sanrio Co. Sanrio
23 Co. has continuously used each of Sanrio Co.'s Trademarks from the registration
24 date, or earlier, until the present and at all times relevant to the claims alleged in this
25 Complaint.

26 13. As a result of advertising and sales, together with longstanding
27 consumer acceptance, Sanrio Co.'s Trademarks identify Sanrio Co.'s products and
28 authorized sales of these products. Sanrio Co.'s Trademarks have each acquired

1 secondary meaning in the minds of consumers throughout the United States and the
2 world. The Sanrio Co. Characters, Sanrio Co.'s Copyrighted Designs and Sanrio
3 Co.'s Trademarks are collectively referred to herein as "Sanrio Co.'s Properties."

4 **D. Plaintiff Warner Bros.**

5 14. Warner Bros. is a corporation duly organized and existing under the
6 laws of the State of Delaware, having its principal place of business in Burbank,
7 California. Warner Bros., or one of its wholly-owned subsidiaries, is engaged in a
8 variety of businesses including, without limitation, the production, distribution and
9 broadcast of filmed entertainment, including motion pictures and television
10 programming.

11 15. A significant aspect of Warner Bros.' business is the merchandising and
12 licensing of distinctive trademarks and copyrights associated with its media product,
13 specifically including the *Looney Tunes* animated shorts. The distinctive trademarks
14 and copyrights licensed and/or merchandised by Warner Bros. include, but are not
15 limited to, the world-famous characters featured in such programming and films,
16 specifically including the character Tweety Bird (hereinafter individually and
17 collectively referred to as the "Warner Bros. Characters").

18 16. The revenue from products sold in the United States which use the
19 Warner Bros. Characters is substantial. The appearance and other features of the
20 Warner Bros. Characters are inherently distinctive and serve to identify Warner Bros.
21 and its licensees as the source of products bearing the Warner Bros. Characters. The
22 design, configuration and distinctive features of the Warner Bros. Characters and
23 other Warner Bros. copyrighted works, and of works related thereto (hereinafter
24 individually and collectively referred to as "Warner Bros.' Copyrighted Designs")
25 are wholly original with Warner Bros. and, as fixed in various tangible media,
26 including merchandise, are copyrightable subject matter under the United States
27 Copyright Act, 17 U.S.C., §§ 101, et seq. Warner Bros. is the owner of Warner
28 Bros.' Copyrighted Designs and, as featured on in connection with various

1 merchandise, constitute copyrightable subject matter under the Copyright Act of
2 1976, 17 U.S.C. §§ 101, et seq.

3 17. Warner Bros. has complied in all respects with the laws governing
4 copyright and has secured the exclusive rights and privileges in and to the copyrights
5 to Warner Bros.' Copyrighted Designs, and Warner Bros. owns one or more
6 certificates of registration for works in which each of Warner Bros.' Copyrighted
7 Designs appear. A representative list of copyright registrations for Warner Bros.'
8 Copyrighted Designs is attached hereto as Exhibit C.

9 18. Warner Bros. and those acting under its authority have complied with
10 their obligations under the copyright laws, and Warner Bros. has at all times been
11 and still is the sole proprietor or otherwise authorized to enforce all right, title and
12 interest in and to the copyrights in each of Warner Bros.' Copyrighted Designs.

13 19. Warner Bros. is the owner of world famous registered marks which
14 serve to distinguish Warner Bros. products. Each year Warner Bros. spends millions
15 of dollars to develop and maintain the considerable goodwill it enjoys in its
16 trademarks and in its reputation for high quality. A representative list of trademark
17 registrations for the Warner Bros. Characters is attached hereto as Exhibit D
18 (collectively the "Warner Bros. Trademarks").

19 20. The Warner Bros. Trademarks are all valid, extant and in full force and
20 effect. Warner Bros. Trademarks are all exclusively owned by Warner Bros.
21 Warner Bros. has continuously used each of the Warner Bros. Trademarks from the
22 registration date, or earlier, until the present and at all times relevant to the claims
23 alleged in this Complaint.

24 21. As a result of advertising and sales, together with longstanding
25 consumer acceptance, the Warner Bros. Trademarks identify Warner Bros.' products
26 and authorized sales of these products. The Warner Bros. Trademarks have each
27 acquired secondary meaning in the minds of consumers throughout the United States
28

1 and the world. The Warner Bros. Characters, Copyrighted Designs and Trademarks
2 are collectively referred to herein as the "Warner Bros. Properties."

3 22. Sanrio Co.'s Copyrighted Designs and Warner Bros.' Copyrighted
4 Designs are collectively referred to herein as "Plaintiffs' Copyrighted Designs."
5 Sanrio Co.'s Trademarks and Warner Bros. Trademarks are collectively referred to
6 herein as "Plaintiffs' Trademarks." Plaintiffs' Copyrighted Designs and Plaintiffs'
7 Trademarks are collectively referred to herein as "Plaintiffs' Properties."

8 **E. Defendants**

9 23. Plaintiffs are informed and believe, and upon that basis allege, that
10 Defendant Photallica Inc. d/b/a Photallica a/k/a Photoallica a/k/a Photallica 2 a/k/a
11 Photallica II a/k/a Dhocallica ("Photallica") is incorporated in the State of Arizona
12 and qualified to do business in the State of California. Photallica is subject to the
13 jurisdiction of this Court and is manufacturing, promoting, distributing, advertising
14 and selling merchandise which infringes Plaintiffs' Properties within this judicial
15 district. Plaintiffs are further informed and believe that Photallica operates at least
16 ten shops located at:

17 500 Lakewood Center Mall, Lakewood, California 90714;
18 10250 Santa Monica Boulevard, Los Angeles, California 90067;
19 20700 Avalon Boulevard, Carson, California 90706;
20 3030 Plaza Bonita, National City, California 91950;
21 324 Horton Plaza, San Diego, California 92101;
22 14400 Bear Valley Road, Victorville, California 92392;
23 9019 Los Cerritos Mall, Cerritos, California 90703;
24 5000 South Arizona Mills Circle, Tempe, Arizona 8528;
25 1445 West Southern Avenue, #206, Mesa, Arizona 85202; and
26 542 North Yucca Circle, Mesa, Arizona 85201.

27 24. Defendant Mohammed Sulfi a/k/a Mohammed Zulfi a/k/a Mohammad
28 Zulfi a/k/a Faisal Mohammed Zulfi a/k/a Faisal Zulfi ("Sulfi") is an individual

1 allege, that Sulfi is actively engaged in the operation, management and control of
2 Defendant Photallica.

3 25. Defendant Mohammed Yusoof a/k/a Mohammed Yosoof a/k/a
4 Mohammad Yusoof a/k/a Muhammed Yusoof a/k/a Salim Yosoof a/k/a Salim
5 Yusoof a/k/a Yousuf Salim ("Yusoof") is an individual residing in Mesa, Arizona.
6 Plaintiffs are informed and believe, and upon that basis allege, that Yusoof is
7 actively engaged in the operation, management and control of Defendant Photallica.

8 26. Upon information and belief, Does 1 – 10 are either entities or
9 individuals who are residents of or present in this judicial district, and are subject to
10 the jurisdiction of this Court. Upon information and belief, Does 1 – 10 are
11 principals or supervisory employees of the named defendants, suppliers of the named
12 defendants or other entities or individuals who are manufacturing, distributing,
13 selling and/or offering for sale merchandise in this judicial district which infringes
14 some or all of Plaintiffs' Properties. The identities of the various Does are unknown
15 to Plaintiffs at this time. The Complaint will be amended to include the names of
16 such individuals when identified. The named defendants and Does 1 – 10 are
17 collectively referred to herein as "Defendants."

18 **F. Defendants' Infringing Activities**

19 27. Upon information and belief, long after Plaintiffs' adoption and use of
20 Plaintiffs' Properties on a diverse range of goods, and after Plaintiffs obtained the
21 copyright and trademark registrations alleged above, Defendants adopted and used
22 substantially identical likenesses of Plaintiffs' Properties on Infringing Product,
23 without Plaintiffs' consent, by manufacturing, importing, advertising, displaying,
24 distributing, selling and/or offering to sell the Infringing Product. Defendants have
25 caused the Infringing Product to enter into commerce and to be transported or used
26 in commerce. Defendants are not licensed by Plaintiffs and at all relevant times were
27 not authorized by Plaintiffs, or each of them, or any authorized agent of Plaintiffs to
28 manufacture, import, distribute, sell and/or offer for sale the Infringing Product.

1 Defendants are currently engaged in such uses and, unless enjoined by this Court,
2 will continue such unauthorized uses.

3 28. By engaging in this conduct, Defendants have acted in willful disregard
4 of laws protecting Plaintiffs' goodwill and related proprietary rights and have
5 confused and deceived, or threaten to confuse and deceive, the consuming public
6 concerning the source and sponsorship of the products. By their wrongful conduct,
7 Defendants have traded upon and diminished the Plaintiffs' goodwill.

8 **FIRST CLAIM FOR RELIEF**

9 **(For Copyright Infringement)**

10 29. Plaintiffs repeat and reallege all of the allegations contained in
11 paragraphs 1 through 28, inclusive, as though set forth herein in full.

12 30. Plaintiffs are informed and believe, and upon that basis allege, that the
13 Defendants have each obtained gains, profits and advantages as a result of their
14 infringing acts in amounts within the jurisdiction of the Court.

15 31. Plaintiffs are informed and believe, and upon that basis allege, that they
16 have suffered and continue to suffer direct and actual damages as result of
17 Defendants' infringing conduct as alleged herein, in amounts within the jurisdiction
18 of this Court. In order to determine the full extent of such damages, including such
19 profits as may be recoverable under 17 U.S.C. § 504, Plaintiffs will require an
20 accounting from each Defendant of all monies generated from the manufacture,
21 importation, distribution and/or sale of the Infringing Product as alleged herein. In
22 the alternative, Plaintiffs may elect to recover for each of their respective
23 copyrighted works infringed, statutory damages pursuant to 17 U.S.C. § 504(c).

24 32. Plaintiffs have no other adequate remedy at law and have suffered and
25 continue to suffer irreparable harm and damage as a result of the above-described
26 acts. Plaintiffs are informed and believe, and upon that basis allege, that, unless
27 enjoined by the Court, the unlawful infringement by Defendants of Plaintiffs'
28 Properties will continue with irreparable harm and damage to Plaintiffs, and each of

1 them. Accordingly, Plaintiffs seek and request permanent injunctive relief pursuant
2 to 17 U.S.C § 502.

3 33. By reason of the foregoing, Plaintiffs have incurred and will continue to
4 incur attorneys' fees and other costs in connection with the prosecution of their
5 claims herein, which attorneys' fees and costs Plaintiffs are entitled to recover from
6 the Defendants, and each of them, pursuant to 17 U.S.C. § 505.

7 **SECOND CLAIM FOR RELIEF**

8 **(For Trademark Infringement)**

9 34. Plaintiffs repeat and reallege all of the allegations contained in
10 paragraphs 1 through 33, inclusive, as though set forth herein in full.

11 35. Defendants' manufacture, importation, advertisement, display,
12 promotion, marketing, distribution, sale and/or offer for sale of the Infringing
13 Product is likely to cause confusion or to cause mistake or to deceive the relevant
14 public and trade regarding the affiliation, sponsorship, endorsement or approval of
15 the Infringing Product by Plaintiffs, or each of them. Such confusion, mistake and
16 deception is aggravated by the confusing similarity between Plaintiffs' Properties
17 and the use of substantially identical likenesses on the Infringing Product in the same
18 type of goods made, imported and sold by or under authority of Plaintiffs, and each
19 of them.

20 36. Plaintiffs are informed and believe and, upon that basis allege, that
21 Defendants, and each of them, acted with knowledge of the federally registered
22 trademarks alleged herein and of the valuable goodwill Plaintiffs enjoy in connection
23 therewith, with intent to confuse, mislead and deceive the public into believing that
24 the Infringing Product was made, imported and sold by Plaintiffs, or each of them, or
25 are in some other manner, approved or endorsed by Plaintiffs, or each of them.

26 37. Plaintiffs have suffered and continue to suffer irreparable harm and
27 damage as a result of Defendants' acts of trademark infringement in amounts thus far
28 not determined but within the jurisdiction of this Court, which amounts should each

1 be trebled pursuant to 15 U.S.C. § 1117. In order to determine the full extent of such
2 damages, including such profits as may be recoverable under 15 U.S.C. § 1117,
3 Plaintiffs will require an accounting from each Defendant of all monies generated
4 from the manufacture, importation, distribution and/or sale of the Infringing Product
5 as alleged herein. In the alternative, Plaintiffs may elect to recover statutory
6 damages pursuant to 15 U.S.C. § 1117(c).

7 38. Plaintiffs have no other adequate remedy at law and have suffered and
8 continue to suffer irreparable harm and damage as a result of the above-described
9 acts of infringement. Plaintiffs are informed and believe, and upon that basis allege,
10 that, unless enjoined by the Court, the unlawful infringement will continue with
11 irreparable harm and damage to Plaintiffs, and each of them. Accordingly, Plaintiffs
12 seek and request preliminary and permanent injunctive relief pursuant to 15 U.S.C §
13 1116.

14 39. By reason of the foregoing, Plaintiffs have incurred and will continue to
15 incur attorneys' fees and other costs in connection with the prosecution of their
16 claims herein, which attorneys' fees and costs Plaintiffs are entitled to recover from
17 Defendants, and each of them, pursuant to 15 U.S.C. § 1117(c).

18 **THIRD CLAIM FOR RELIEF**

19 **(For Unfair Competition)**

20 40. Plaintiffs repeat and reallege all of the allegations contained in
21 paragraphs 1 through 39, inclusive, as though set forth herein in full.

22 41. Plaintiffs own all rights, title and interest in and to the trademarks, trade
23 names, service marks, artwork, characters and other distinctive elements for and
24 incorporating Plaintiffs' Properties.

25 42. Plaintiffs' Properties have each acquired a secondary and distinctive
26 meaning among the public, which has come to identify Plaintiffs, and each of them,
27 through various media, including films, books, television, theme parks, magazines
28 and other sources, and through the distribution and sale of authorized merchandise,

1 and the distinctive features of each of, as designating products associated with
2 Plaintiffs. As a result of the extensive advertising, media exposure, sales and public
3 recognition of Plaintiffs' Properties, combined with the positive experiences of the
4 public in its relationship with Plaintiffs, and each of them, Plaintiffs' Properties are
5 each symbolic of Plaintiffs, and each of them, and representative of the image which
6 the public has of Plaintiffs, and each of them.

7 43. Plaintiffs are informed and believe, and upon that basis allege, that
8 Defendants, and each of them, have, without permission, authority or license from
9 Plaintiffs, and each of them, or its licensees, affixed, applied and/or used in
10 connection with the manufacture, importation, advertisement, display, promotion,
11 marketing, distribution, sale and/or offer for sale, false descriptions and
12 representations including words or other symbols which tend falsely to describe or
13 represent such goods as Plaintiffs and/or affiliated with Plaintiffs, and each of them,
14 and have caused the entry of such goods into interstate commerce with full
15 knowledge of the falsity of such designations of origin and such descriptions and
16 representations, all to the detriment of Plaintiffs. Defendants, and each of them, by
17 misappropriating and using one or more of Plaintiffs' Properties, have
18 misrepresented and falsely described to the general public the origin, source,
19 association, affiliation or sponsorship of their goods so as to create the likelihood of
20 confusion by the ultimate purchaser as to both the source and sponsorship of said
21 goods.

22 44. Plaintiffs are informed and believe, and upon that basis allege, that the
23 Infringing Product being manufactured, imported, advertised, marketed, displayed,
24 distributed, sold and/or offered for sale by Defendants, and each of them, are of
25 inferior quality and that the sale and/or offer for sale thereof will be damaging to and
26 dilute the goodwill and reputation of Plaintiffs, and each of them.

27 45. Defendants' acts and conduct, as alleged herein, including, without
28 limitation, the Defendants' duplication and imitation of Plaintiffs' Properties, are

1 business practices likely to deceive or confuse the purchasing public and trade upon
2 Plaintiffs' reputations, both as to the source, origin, sponsorship and approval of the
3 goods provided and as to the affiliation, connection or association of Defendants, and
4 each of them, with Plaintiffs and constitute acts of unfair competition, false
5 designation of origin and false representation of affiliation, all in violation of 15
6 U.S.C. § 1125(a). Plaintiffs are informed and believe, and upon that basis allege,
7 that each of Defendants' respective acts of reputation appropriation and unfair
8 competition was willful.

9 46. Plaintiffs have no adequate remedy at law and have each suffered and
10 continue to suffer irreparable harm and damage as a result of Defendants' respective
11 acts of unfair competition in amounts thus far not determined but within the
12 jurisdiction of this Court, which amounts should each be trebled pursuant to 15
13 U.S.C. § 1117.

14 47. Plaintiffs are informed and believe, and upon that basis allege, that
15 unless enjoined by the Court the confusion and deception alleged above and the
16 likelihood thereof will continue with irreparable harm and damage to Plaintiffs, and
17 each of them. Accordingly, Plaintiffs seek and request preliminary and permanent
18 injunctive relief pursuant to 15 U.S.C. § 1116.

19 48. Plaintiffs are informed and believe, and upon that basis allege, that
20 Defendants have each obtained gains, profits and advantages as a result of their
21 wrongful acts of unfair competition in amounts not thus far determined but within
22 the jurisdiction of this Court, which amounts should each be trebled, pursuant to 15
23 U.S.C. § 1117.

24 49. In order to determine the full extent of such damages, including such
25 profits as may be recoverable, Plaintiffs require an accounting from each Defendant
26 of all monies generated from the manufacture, importation, distribution and/or sale
27 of the Infringing Product.
28

1 50. By reason of the foregoing, Plaintiffs have incurred and will continue to
2 incur attorneys' fees and other costs in connection with the prosecution of their
3 claims herein, which attorneys' fees and costs Plaintiffs are entitled to recover from
4 the Defendants, and each of them, pursuant to 15 U.S.C. § 1117.

5 **FOURTH CLAIM FOR RELIEF**

6 **(For Trademark Dilution)**

7 51. Plaintiffs repeat and reallege all of the allegations contained in
8 paragraphs 1 through 50, inclusive, as though set forth in full herein.

9 52. The extensive advertising, media exposure, sales and public recognition
10 of Plaintiffs' Properties, combined with the positive experiences of the public in its
11 relationship with Plaintiffs, and each of them, have made Plaintiffs' Properties each
12 famous and distinctive marks that are symbolic of Plaintiffs, and each of them, and
13 representative of the image the public has of Plaintiffs, and each of them.

14 53. Plaintiffs' Properties are extraordinarily famous and well known
15 throughout the United States and elsewhere, having been used extensively by
16 Plaintiffs, and each of them. By reason of Plaintiffs' extensive use of Plaintiffs'
17 Properties, each has become highly distinctive of Plaintiffs' goods and services and
18 is uniquely and exclusively associated with Plaintiffs, and each of them. Plaintiffs'
19 Properties are famous marks within the purview of Section 43(c) of the Lanham Act,
20 15 U.S.C. § 1125(c).

21 54. Defendants' acts and conduct, as alleged herein, including Defendants'
22 use of Plaintiffs' Trademarks on and in connection with the manufacture,
23 importation, advertisement, display, distribution, sale and/or offer for sale of the
24 Infringing Product are commercial business practices which trade on Plaintiffs'
25 reputations and cause dilution of one or more of each of the famous, distinctive and
26 pre-existing Trademarks, by lessening the capacity of these marks to exclusively
27 identify and to distinguish Plaintiffs, and each of them, and their goods and services,
28 and constitute dilution, all in violation of Section 43(c) of the Lanham Act, 15 U.S.C.

1 § 1125(c). Plaintiffs are informed and believe, and upon that basis allege, that each
2 of Defendants' acts of trademark dilution and reputational appropriation was willful
3 and that each Defendant willfully intended to reap the benefit of Plaintiffs' goodwill,
4 trade upon Plaintiffs' reputations and/or dilute the distinctiveness of one or more of
5 Plaintiffs' famous and distinctive trademarks.

6 55. Plaintiffs are informed and believe, and upon that basis allege, that
7 unless enjoined by the Court, Defendants' unlawful and unauthorized acts in
8 violation of Section 43(c) of the Lanham Act will continue to cause dilution of one or
9 more of Plaintiffs' Properties with the corresponding irreparable harm and damage to
10 Plaintiffs, and each of them. Accordingly, Plaintiffs seek preliminary and permanent
11 injunctive relief pursuant to 15 U.S.C. § 1116.

12 56. Plaintiffs have no adequate remedy at law and have suffered and
13 continue to suffer irreparable harm and damage as a result of Defendants' acts of
14 trademark dilution in amounts thus far not determined, but within the jurisdiction of
15 this Court, which amounts should be trebled pursuant to 15 U.S.C. § 1116.

16 57. Plaintiffs are informed and believe, and upon that basis allege, that
17 Defendants have each obtained gains, profits and advantages as a result of their
18 wrongful acts of trademark dilution in amounts thus far not determined but within
19 the jurisdiction of this Court, which amounts should be trebled pursuant to 15 U.S.C.
20 § 1117.

21 58. In order to determine the full extent of such damages, including such
22 profits as may be recoverable, Plaintiffs will require an accounting from each
23 Defendant of all monies generated from the manufacture, importation, distribution
24 and/or sale of the diluting items alleged herein.

25 59. By reason of the foregoing, Plaintiffs have incurred and will continue to
26 incur attorneys' fees and other costs in connection with the prosecution of their
27 claims herein, which attorneys' fees and costs Plaintiffs are entitled to recover from
28 Defendants, and each of them, pursuant to 15 U.S.C. § 1117.

FIFTH CLAIM FOR RELIEF

(For State Law Unfair Competition)

60. Plaintiffs repeat and reallege all the allegations contained in paragraphs 1 through 59, inclusive, as though set forth herein in full.

61. As alleged above, each of Plaintiffs' Properties has acquired secondary meaning indicative of origin, relationship, sponsorship and/or association with Plaintiffs, and each of them. The purchasing public is likely to attribute to Plaintiffs, and each of them, the use by Defendants and/or their customers, of one or more of Plaintiffs' Properties, as a source of origin, authorization and/or sponsorship for Defendants and/or their customers' goods and therefore to purchase such goods based upon that erroneous belief.

62. Plaintiffs are informed and believe, and upon that basis allege, that Defendants, and each of them, have intentionally appropriated one or more of Plaintiffs' Properties with the intent of causing confusion, mistake and deception as to the source of their and/or their third party wholesale customers' goods and with the intent to palm off such goods as those of Plaintiffs, and each of them, and, as such, Defendants have each committed trademark infringement, misleading advertising and unfair competition, all in violation of the California Unfair Business Practices Act, Cal. Bus. & Prof. Code, § 17200, *et seq.*

63. Plaintiffs have no adequate remedy at law and have suffered and continue to suffer irreparable harm and damage as a result of each of Defendants' acts in an amount thus far not determined but within the jurisdiction of this Court.

64. Plaintiffs are informed and believe, and upon that basis allege, that unless enjoined by the Court, the confusion and deception alleged herein and the likelihood thereof will continue with irreparable harm and damage to Plaintiffs, and each of them.

65. Plaintiffs are informed and believe, and upon that basis allege, that Defendants have each unlawfully and wrongfully derived and will continue to derive

1 income, gains, profits and advantages as a result of their wrongful acts of unfair
2 competition, in amounts thus far not determined but within the jurisdiction of this
3 Court. Plaintiffs are informed and believe, and upon that basis allege, that they have
4 lost and will continue to lose profits and goodwill as a result of Defendants' conduct.

5 66. By reason of the foregoing acts of unfair competition, Plaintiffs are
6 entitled to restitution from each Defendant of all income, gains, profits and
7 advantages resulting from their wrongful conduct in amounts to be determined
8 according to proof at trial.

9 67. In order to determine the full extent of such damages, including such
10 profits as may be recoverable, Plaintiffs will require an accounting from each
11 Defendant of all monies generated from the manufacture, importation, distribution
12 and/or sale of the Infringing Product.

13 68. Plaintiffs are informed and believe, and upon that basis allege, that
14 Defendants, and each of them, committed the acts alleged herein intentionally,
15 fraudulently, maliciously, willfully, wantonly and oppressively, with intent to injure
16 Plaintiffs in their business and with conscious disregard for Plaintiffs' rights, thereby
17 justifying awards of punitive and exemplary damages against each Defendant in
18 amounts sufficient to punish each Defendant and to set an example for others.

19 **SIXTH CLAIM FOR RELIEF**

20 **(State Law Trademark Dilution)**

21 69. Plaintiffs repeat and reallege all of the allegations contained in
22 paragraphs 1 through 68, inclusive, as though set forth herein in full.

23 70. Plaintiffs have used Plaintiffs' Properties to identify themselves, and
24 each of them, and their goods and services. Defendants' use of Plaintiffs' Properties
25 to identify themselves and their products has diluted and will continue to dilute the
26 distinctive quality of Plaintiffs' Properties in violation of § 14245, *et seq.* of the
27 California Business and Professions Code.

28

71. Defendants' acts as alleged herein have damaged and will continue to irreparably damage Plaintiffs. Plaintiffs have no adequate remedy at law for such wrongs and injuries. The damage to Plaintiffs includes harm to its goodwill and reputation that money cannot adequately compensate. Plaintiffs therefore are entitled to a preliminary and permanent injunction enjoining Defendants' commercial use of Plaintiffs' Properties.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demand:

A. That Defendants, their agents, servants, employees, representatives, successor and assigns, and all persons, firms, corporations or other entities in active concert or participation with any of said Defendants, be immediately and permanently enjoined from:

1. Directly or indirectly infringing Plaintiffs' Properties in any manner, including generally, but not limited to, manufacture, importation, distribution, advertising, selling and/or offering for sale any merchandise which infringes the said Plaintiffs' Properties, and, specifically:

2. Importing, manufacturing, distributing, advertising, selling and/or offering for sale the Infringing Product or any other unauthorized products which picture, reproduce, copy or use the likenesses of or bear a confusing and/or substantial similarity to any of Plaintiffs' Properties;

3. Importing, manufacturing, distributing, advertising, selling and/or offering for sale in connection thereto any unauthorized promotional materials, labels, packaging or containers which picture, reproduce, copy or use the likenesses of or bear a confusing and/or substantial similarity to any of Plaintiffs' Properties;

4. Engaging in any conduct that tends falsely to represent that, or is likely to confuse, mislead or deceive purchasers, Defendants' customers and/or members of the public to believe the actions of Defendants, the

1 products sold by Defendants, or Defendants themselves are connected with
2 Plaintiffs, are sponsored, approved or licensed by Plaintiffs or are in some way
3 affiliated with Plaintiffs;

4 5. Affixing, applying, annexing or using in connection with the
5 importation, manufacture, distribution, advertising, sale and/or offer for sale or
6 other use of any goods or services, a false description or representation,
7 including words or other symbols, tending to falsely describe or represent such
8 goods as being those of Plaintiffs;

9 6. Otherwise competing unfairly with Plaintiffs in any manner;

10 7. Destroying or otherwise disposing of

11 a. Merchandise falsely bearing Plaintiffs' Properties;

12 b. Any other products which picture, reproduce, copy or use
13 the likenesses of or bear a substantial similarity to any of Plaintiffs'
14 Properties;

15 c. Any labels, packages, wrappers, containers or any other
16 unauthorized promotion or advertising material item which
17 reproduces, copies, counterfeits, imitates or bears any of Plaintiffs'
18 Properties;

19 d. Any molds, screens, patterns, plates, negatives or other
20 elements used for making or manufacturing products bearing
21 Plaintiffs' Properties;

22 e. Any sales and supply or customer journals, ledgers,
23 invoices, purchase orders, inventory control documents, bank records,
24 catalogs and all other business records, believed to concern the
25 manufacture, purchase, advertising, sale or offering for sale of the
26 Infringing Product;

27 B. That Plaintiffs, and each of them, and their designees are authorized to
28 seize the following items which are in Defendants' possession, custody or control:

1 1. All unauthorized products bearing Plaintiffs' Properties, or
2 likenesses thereof;

3 2. Any other unauthorized products which reproduce, copy,
4 counterfeit, imitate or bear any of Plaintiffs' Properties or which picture,
5 reproduce, copy or use the likeness of or bear a substantial similarity to
6 Plaintiffs' Properties;

7 3. Any labels, packages, wrappers, containers and any other
8 unauthorized promotional or advertising material which reproduce, copy,
9 counterfeit, imitate or bear any of Plaintiffs' Properties or which picture,
10 reproduce, copy or use the likeness of or bear a substantial similarity to
11 Plaintiffs' Properties;

12 4. Any molds, screens, patterns, plates, negatives, machinery or
13 equipment used for making or manufacturing the Infringing Product or
14 unauthorized items which bear Plaintiffs' Properties or which bear a
15 substantial similarity to any of Plaintiffs' Properties.

16 C. That those Defendants infringing upon Plaintiffs' Properties be required
17 to pay actual damages increased to the maximum extent permitted by law and/or
18 statutory damages at Plaintiffs' election;

19 D. That actual damages be trebled pursuant to 15 U.S.C. § 1117;

20 E. That Defendants account for and pay over to Plaintiffs all damages
21 sustained by Plaintiffs, and each of them, and profits realized by Defendants by
22 reason of Defendants' unlawful acts herein alleged and that those profits be
23 increased as provided by law;

24 F. That Plaintiffs recover from Defendants their costs of this action and
25 reasonable attorneys' fees; and


26 ///

27 ///

1 G. That Plaintiffs have all other and further relief as the Court may deem
2 just and proper under the circumstances.

3
4 Dated: October 9, 2009

J. Andrew Coombs, A Professional Corp.

5
6 By:  J. Andrew Coombs

Nicole L. Drey

7 Attorneys for Plaintiffs Sanrio, Inc., and
8 Warner Bros. Entertainment Inc.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiffs Sanrio, Inc. and Warner Bros. Entertainment Inc. hereby demand a trial by jury of all issues so triable.

DATED: October 9, 2009

J. Andrew Coombs, A Professional Corp.


By: J. Andrew Coombs
Nicole L. Drey
Attorneys for Plaintiffs Sanrio, Inc. and
Warner Bros. Entertainment Inc.

EXHIBIT A**SANRIO CO.'S COPYRIGHTED DESIGNS**

Copyright Registration	Title of Work (Character)	Type of Work
VA 1 296 115	2004 -- 100 Characters	Graphic Artwork
VA 811 440	Bad Badtz Maru	Graphic Artwork
VAu 498 617	Chococat	Art original
VA 130 420	Hello Kitty	Graphic Artwork
VA 636 579	KeroKeroKeroppi	Sticker Book
VA 246 421	Little Twin Stars	Stickers
VA 840 495	Monkichi	Graphic Artwork
VA 130 419	My Melody	Graphic Artwork
VA 130 421	Patty & Jimmy	Graphic Artwork
VA 636 582	Pekkle	Graphic Artwork
VA 840 496	Picke Bicke	Graphic Artwork
VA 636 580	Pochacco	Sticker Book
VA 148 625	Tuxedo Sam	Stickers
VA 840 494	Winkipinki	Graphic Artwork
VA 636-581	Zashikibuta	Stickers

EXHIBIT B**SANRIO'S TRADEMARKS**

Trademark	Mark Drawing Code	Trademark Registration No.	Trademark Registration Date
Chococat	Design Plus Words, Letters, and/or Numbers	2,842,707	5/18/04
Chococat	Design Plus Words, Letters, and/or Numbers	2,707,592	4/15/03
Chococat	Design Plus Words, Letters, and/or Numbers	2,705,164	4/8/03
Chococat	Design Plus Words, Letters, and/or Numbers	2,714,130	5/6/03
Chococat	Design Plus Words, Letters, and/or Numbers	2,952,043	5/17/05
Chococat	Design Plus Words, Letters, and/or Numbers	2,845,315	5/25/04
Hello Kitty	Design Only	1,200,083	7/6/82
Hello Kitty	Design Only	1,277,721	5/15/84
Hello Kitty	Typed Drawing	1,215,436	11/9/82
Hello Kitty	Typed Drawing	1,279,486	5/29/84
Hello Kitty	Typed Drawing	1,391,550	4/29/86
Hello Kitty	Design Only	1,370,105	11/12/85
Keroppi	Standard Character Mark	3,531,383	11/11/08
Keroppi	Standard Character Mark	3,181,350	12/5/06
Keroppi	Standard Character Mark	3,531,382	11/11/08
Keroppi	Standard Character Mark	3,181,349	12/5/06
Keroppi	Standard Character Mark	3,436,548	5/27/08
Keroppi	Standard Character Mark	3,181,348	12/5/06

1	Keroppi	Standard Character Mark	3,181,347	12/5/06
2	Keroppi	Standard Character Mark	3,449,938	6/17/08
3	Keroppi	Standard Character Mark	3,531,381	11/11/08
4	Keroppi	Standard Character Mark	3,531,380	11/11/08
5	Keroppi	Standard Character Mark	3,181,346	12/5/06
6	Keroppi	Standard Character Mark	3,423,288	5/6/08
7	Keroppi	Standard Character Mark	3,181,345	12/5/06
8	Little Twin Stars	Typed Drawing	1,341,864	6/18/85
9	Little Twin Stars	Typed Drawing	1,192,946	4/6/82
10	Little Twin Stars	Standard Character Mark	3,245,999	5/29/07
11	Little Twin Stars	Standard Character Mark	3,245,998	5/29/07
12	Little Twin Stars	Standard Character Mark	3,245,997	5/29/07
13	Little Twin Stars	Standard Character Mark	3,245,994	5/29/07
14	Little Twin Stars	Standard Character Mark	3,245,993	5/29/07
15	Little Twin Stars	Standard Character Mark	3,245,992	5/29/07
16	Little Twin Stars	Standard Character Mark	3,245,991	5/29/07
17	Monkichi	Standard Character Mark	Serial Number 77,154,633	n/a
18	Monkichi	Standard Character Mark	Serial Number 77,154,635	n/a
19	My Melody	Typed Drawing	1,305,637	11/20/84
20	My Melody	Typed Drawing	1,210,192	9/28/82
21	Pekkle	Typed Drawing	2,327,584	3/14/00
22	Pekkle	Typed Drawing	2,053,346	4/15/97

Pochacco	Typed Drawing	2,236,507	4/6/99
Pochacco	Typed Drawing	1,985,358	7/9/96
Sanrio	Design Plus Words, Letters, and/or Numbers	2,506,705	11/13/01
Sanrio	Typed Drawing	2,506,577	11/13/01
Sanrio	Design Plus Words, Letters, and/or Numbers	2,721,680	6/3/03
Sanrio	Design Plus Words, Letters, and/or Numbers	2,742,381	7/29/03
Sanrio	Design Plus Words, Letters, and/or Numbers	2,721,679	6/3/03
Sanrio	Design Plus Words, Letters, and/or Numbers	2,693,639	3/4/03
Sanrio	Design Plus Words, Letters, and/or Numbers	2,696,063	3/11/03

EXHIBIT C**WARNER BROS.' COPYRIGHTED DESIGNS**

Copyright Registration	Title Of Work (Character)	Type of Work
VA32-457	Tasmanian Devil	Drawing
VA31-867	Sylvester	Stuffed, plush
VA31-868	Bugs Bunny	Stuffed, plush
VA31-869	Tweety	Stuffed, plush
VA31-870	Wile E. Coyote	Stuffed, plush
TXU 550963	Bugs Bunny (1992)	Style Guide
TXU 550472	Sylvester (1992)	Style Guide
TXU 550958	Sylvester Jr. (1992)	Style Guide
TXU 550444	Taz-Mania (1991)	Style Guide
TXU 550812	Tweety (1992)	Style Guide
TXU 550953	Wile E. Coyote (1992)	Style Guide
TXU 550962	Yosemite Sam (1992)	Style Guide
TXU 550471	Acme Road Gear (1992)	Style Guide
TXU-550463	Daffy Duck (1992)	Style Guide
TXU 550960	Elmer Fudd (1992)	Style Guide
TXU 550470	Looney Tunes Guidelines (1992)	Style Guide
TXU 550961	Marc Antony & Pussyfoot (1992)	Style Guide
TXU 550959	Marvin The Martian (1992)	Style Guide
TXU 550957	Pepe Le Pew & Penelope (1992)	Style Guide

1	TXU 551162	Porky Pig & Petunia Pig (1992)	Style Guide
2			
3	TXU 550955	Road Runner (1992)	Style Guide
4	TXU 550964	Speedy Gonzales (1992)	Style Guide
5	TXU 557335	Tasmanian Devil (1992)	Style Guide
6	TXU 568671	The Warner Brothers (1992)	Style Guide
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			

EXHIBIT D**WARNER BROS. TRADEMARKS**

Trademark Name	Registration No	Reg. Date
BUGS BUNNY	950381	January 9, 1973
BUGS BUNNY	2046053	March 18, 1997
DAFFY DUCK	1998415	September 3, 1996
ELMER FUDD	1997173	August 27, 1996
LOONEY TUNES	1574797	January 2, 1990
PORKY PIG	2062712	May 20, 1997
ROAD RUNNER	2000037	September 10, 1996
TASMANIAN DEVIL	2033589	January 28, 1997
TWEETY	1997174	August 27, 1996

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Dean D. Pregerson and the assigned discovery Magistrate Judge is Alicia G. Rosenberg.

The case number on all documents filed with the Court should read as follows:

CV09- 7448 DDP (AGR~~x~~)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

===== :
NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

J. Andrew Coombs (SBN 123881)
 Nicole L. Drey (SBN 250235)
 J. Andrew Coombs, A Prof. Corp.
 517 East Wilson Ave., Suite 202
 Glendale, California 91206
 Telephone: (818) 500-3200
 Facsimile: (818) 500-3201

ORIGINAL

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

Sanrio, Inc. and Warner Bros. Entertainment Inc.,

CASE NUMBER

PLAINTIFF(S)

CV09 07448 DDP (AGR)

v.

Photallica Inc., et al. [See Attachment]

SUMMONS

DEFENDANT(S).

TO: THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to file with this court and serve upon plaintiff's attorney
J. Andrew Coombs, whose address is:

J. Andrew Coombs, A Prof. Corp.
 517 East Wilson Ave., Suite 202
 Glendale, California 91206

an answer to the ☒ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim
 which is herewith served upon you within 20 days after service of this Summons upon you, exclusive
 of the day of service. If you fail to do so, judgement by default will be taken against you for the relief
 demanded in the complaint.

Clerk, U.S. District Court

Dated: OCT 14 2009

By: CHRISTOPHER POWERS
 Deputy Clerk

(Seal of the Court)

SUMMONS ATTACHMENT

Photallica Inc. d/b/a Photallica a/k/a Photoallica a/k/a Photallica 2 a/k/a Photallica II a/k/a Dhocallica; Mohammed Sulfi a/k/a Mohammed Zulfi a/k/a Mohammad Zulfi a/k/a Faisal Mohammed Zulfi a/k/a Faisal Zulfi; Mohammed Yusoof a/k/a Mohammed Yosoof a/k/a Mohammad Yusoof a/k/a Muhammed Yusoof a/k/a Salim Yosoof a/k/a Salim Yusoof a/k/a Yousuf Salim, and Does 1 – 10, inclusive,

Defendants.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

COPY

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> Sanrio, Inc. and Warner Bros. Entertainment Inc.,	DEFENDANTS Photallica Inc., et al. [See Attachment]
(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases): San Francisco	County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only):
(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) J. Andrew Coombs (SBN 123881); Nicole L. Drey (SBN 250235) J. Andrew Coombs, A Professional Corporation 517 East Wilson Ave., Suite 202 Glendale, California 91206/ (Telephone: (818) 500-3200)	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%;"> <tr> <td style="width:50%;"> Citizen of This State Citizen of Another State Citizen or Subject of a Foreign Country </td> <td style="width:50%;"> <table style="width:100%;"> <tr> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> <td style="width:50%;"></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table> </td> </tr> </table>	Citizen of This State Citizen of Another State Citizen or Subject of a Foreign Country	<table style="width:100%;"> <tr> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> <td style="width:50%;"></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>	PTF	DEF		PTF	DEF	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State Citizen of Another State Citizen or Subject of a Foreign Country	<table style="width:100%;"> <tr> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> <td style="width:50%;"></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>	PTF	DEF		PTF	DEF	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6		
PTF	DEF		PTF	DEF																			
<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																			
<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																			
<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																			

IV. ORIGIN (Place an X in one box only.) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
--

V. REQUESTED IN COMPLAINT: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.) CLASS ACTION under F.R.C.P. 23: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No MONEY DEMANDED IN COMPLAINT: \$
--

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) Trademark Infringement 15 U.S.C. §§ 1051 et seq.; Copyright infringement 17 U.S.C. §§ 101, et seq.

VII. NATURE OF SUIT (Place an X in one box only.)
--

400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities /Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
---	---	--	---	--	--

VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s):

FOR OFFICE USE ONLY: Case Number:

CV09 07448

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). RELATED CASES: Have any cases been previously filed that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: List the California County, or State if other than California, in which **EACH** named plaintiff resides (Use an additional sheet if necessary)

☐ Check here if the U.S. government, its agencies or employees is a named plaintiff.

San Francisco - Sanrio, Inc.

Los Angeles - Warner Bros. Entertainment Inc.

List the California County, or State if other than California, in which **EACH** named defendant resides. (Use an additional sheet if necessary).

☐ Check here if the U.S. government, its agencies or employees is a named defendant.

Arizona - all defendants

List the California County, or State if other than California, in which **EACH** claim arose. (Use an additional sheet if necessary)

Note: In land condemnation cases, use the location of the tract of land involved.

Los Angeles

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____

Date 10-9-09

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

ATTACHMENT TO CIVIL COVER SHEET

Sanrio, Inc. and Warner Bros. Entertainment Inc.,

Plaintiffs,

v.

**Photallica Inc. d/b/a Photallica a/k/a Photoallica a/k/a Photallica 2 a/k/a
Photallica II a/k/a Dhocallica; Mohammed Sulfi a/k/a Mohammed Zulfi
a/k/a Mohammad Zulfi a/k/a Faisal Mohammed Zulfi a/k/a Faisal Zulfi;
Mohammed Yusoof a/k/a Mohammed Yosoof a/k/a Mohammad Yusoof
a/k/a Muhammed Yusoof a/k/a Salim Yosoof a/k/a Salim Yusoof a/k/a
Yousuf Salim, and Does 1 – 10, inclusive,**

Defendants.